

**U.S. Department of Justice***United States Attorney
Southern District of New York*

June 12, 2024

VIA ECF

The Honorable Victoria Reznik
United States Magistrate Judge
The Hon. Charles L. Briant Jr.
Federal Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601

Re: *Theodore Churakos v. United States of America*, 22-cv-10344 (VR)

Dear Judge Reznik:

This Office represents the United States of America (the “Government”) in the above-referenced action brought by Plaintiff Theodore Churakos (“Plaintiff”) pursuant to the Federal Torts Claims Act. We write jointly with Plaintiff to respectfully request that the temporary stay of discovery be lifted for the limited purpose of allowing the parties to exchange rebuttal reports.

During the telephonic status conference on May 7, 2024, the Court adjourned the deadline for the Government to serve its expert report to June 3, 2024, and temporarily stayed all other discovery deadlines to allow the parties to participate in a settlement conference. *See* Minute Entry dated May 7, 2024. A settlement conference with Judge Krause was subsequently scheduled for June 20, 2024. ECF No. 40. The Government has since timely served its expert report and the parties have conferred regarding settlement.

However, Plaintiff has requested to serve a rebuttal report on the basis of medical records recently received and produced by the Government that were not available to Plaintiff’s expert at the time his expert’s report was drafted.¹ The Government consents to Plaintiff’s request. Plaintiff respectfully requests to serve his rebuttal report by June 21, 2024. The Government respectfully requests to serve its rebuttal (if any) by July 5, 2024.²

This is the parties’ first request to lift the temporary stay of discovery for the limited purpose of exchanging expert reports. We thank the Court for its consideration of this letter.

¹ Both parties are in agreement that the production of records is now complete.

² The parties have simultaneously sought leave from Judge Krause to adjourn the settlement conference from June 20, 2024, to July 18, 2024, or to a later date that is convenient for the Court, as the parties believe that settlement discussions are likely to be more successful after all reports have been exchanged.

Respectfully,

FELLOWS, HYMOWITZ
& RICE
Attorney for Plaintiff

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The Court thanks the parties for this letter and grants the requested relief. The parties are reminded that the discovery stay is lifted for the limited purpose of allowing them to exchange rebuttal reports. The plaintiff should submit their report no later than 6/21/24 and the defendant should serve any rebuttal report no later than 7/5/24.

SO ORDERED.

Hon. Victoria Reznik, U.S.M.J.

Dated: 6/13/24